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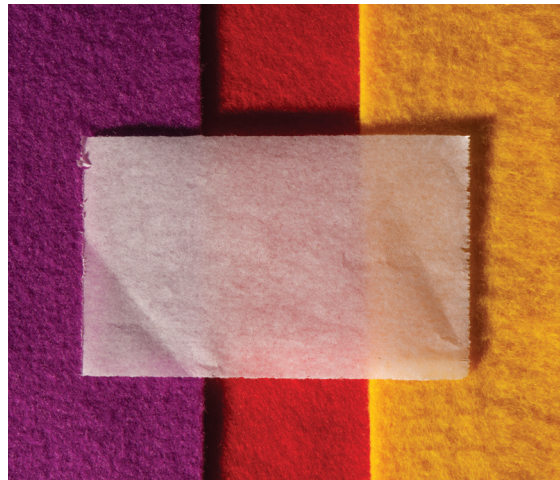
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PA-X REPORT: POWER-SHARING SERIES



Military Power-Sharing and Inclusion in Peace Processes

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This research draws on the PA-X Peace Agreement Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2016. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Executive Summary

The core overarching intention of military power-sharing provisions negotiated in peace and transition processes, is to ensure proportionate representation of opposing parties and factions, ethno-national groups, and other former combatants in the armed forces so as to stabilise the move from violent armed conflict to a post-conflict setting.

Definitions of military power-sharing are contested. For the purposes of this paper we define military power-sharing as:

'an agreement to share military decision-making and/or operational tasks between different armed contenders for power, or to proportionally include ethno-national groups or former combatants in ranks and file or command structures'.

We use the term 'military' to include power-sharing arrangements involving both armies and police (and gendarmerie or 'military police' which straddle the two), distinguishing between army and police where relevant to the discussion.

Military power-sharing includes measures such as:

- ▶ joint command structures;
- ▶ merger of forces;
- ▶ other forms of ethno-national or combatant proportionality in the army and police and associated security force institutions (for example monitoring commissions).

Military power-sharing is used frequently in peace processes to accommodate the competing interests of conflict parties to be included in the state's power structures. Security forces are often a central issue because they control the state's use of force. Military power-sharing is therefore agreed as part of a political package of measures relating to inclusion in the state and the logistics of ending violence, rather than being focused on issues of good management and administration of military matters understood to be central to security sector reform. Military power-sharing may, however, be a key part of a wider security transition which aims to deliver a reformed security sector, notably in terms of who is included in security forces and their oversight.

Military power-sharing is often turned to in peace negotiations as a solution to providing security guarantees for groups. Like other forms of power-sharing it can offer all those at the heart of the conflict an incentive to buy into the peace process. As regards military leaders and personnel from non-state opponents, military power-sharing can offer an alternative to straight forward disarmament which nonetheless affirms the state's monopoly on the use of force. However, military power-sharing also often means that militaries are expanded at a point where they should really be downsized, and their central control can become more diffuse as the price of a formal state monopoly on use of force, creating risks if the peace process breaks down.

This research report provides information and analysis on when and how peace agreements provide for military power-sharing, and the implications for broader projects of social inclusion in the security sector based on the rule of law. It forms one of a series of reports into power-sharing drawing on the new PA-X Peace Agreement Database. Other reports address political power-sharing (Bell 2018), territorial power-sharing (Wise 2018), and economic power-sharing (Bell 2018a).

Key Findings and Recommendations

1) Military power-sharing is an effective tool for ending violence.

Military power-sharing can offer a solution to contestations over military leadership and authority, and the dominance of one political or ethno-national group in state institutions, including security forces. Without this form of power-sharing, parties may have little incentive to end the conflict and disarm. There may also be principled reasons for military power-sharing, namely to make sure that military forces and power-structures are made more inclusive of former opposition interests and personnel and other forms of inclusion such as geographic, ethnic, or gender-based inclusion.

2) Military power-sharing arrangements focus on the inclusion of groups key to the conflict, but in doing so can create perverse incentives to smaller groups outside of the main peace agreement consensus to assert their claims violently.

As in almost all peace negotiations, often the agendas of those who have carried out violent acts are central to negotiations. While military power-sharing can underwrite a commitment of the main parties to move from violence, the risk of incentivizing new forms of violence is also real. For example, the Sudanese [Comprehensive Peace Agreement \(2005\)](#), recognized and addressed two armed groups when in reality over twenty four existed, the others then ramped up violent activities in an attempt to gain a position in the national military.

- 3) International militaries are often also involved both in the fabric of military power-sharing arrangements, and in supporting the development of military power-sharing and the practical training and financing of its implementation.

The role of international actors will depend on the military power-sharing provisions negotiated, on the relationship of international actors to the conflict, and local capacities for undertaking security functions which may be low or non-existent in cases where the state has had very little functional existence during the conflict (Ministry of Defence, Stabilisation Unit 2010). International security forces may play a role as part of the new military structures, at least temporarily, with direct leadership control roles over use of force (see role of US in Afghanistan and South Sudan), or in more support-type roles (for example the NATO-led IFOR and KFOR models in Bosnia and Kosovo). International actors and organizations may also support militaries through training, provision of funds for security sector reform (SSR), and through roles that combine some of these dimensions (see for example, New Zealand support and funding of the Community Auxiliary Police in Bougainville, Papua New Guinea).

- 4) Military power-sharing must be understood as one part in a wider 'security transition'.

Military power-sharing is often agreed as an alternative form of demobilization, demilitarization and reintegration (DDR) measures, or put in place as part of a wider attempt as SSR. DDR, SSR and forms of military power-sharing may all be part of a 'security transition', as defined in the box below – which is itself a political process. Toolkits for DDR and SSR should integrate better analysis of uses of military power-sharing, rather than assuming that the demobilization of combatants and return to civilian life or rule of law based SSR will be the norm.

Security Transition: The progressive transfer of security functions and responsibilities between actors in order to reach a durable level of stability for the host nation that is not dependent on a significant operational international military contribution. (Ministry of Defence, Stabilisation Unit 2010, 10).

5) Military power-sharing needs to be supported with contextual awareness and understanding of the different possible goals of the arrangements.

In particular, consideration should be given to:

- ▶ The relationship of the military power-sharing arrangements to the wider group accommodation provided for by the peace agreement (notably political and territorial power-sharing). Is there an intention to create an armed force with ethnically proportionate members from former conflicting parties? Or is there an intention to overcome former allegiances to a rebel force, and hence achieve a united military unit? Or have immediate demobilization requirements driven the arrangements, with little clear thought as to how they relate to any longer-term security transition?
- ▶ The role that control or membership of an army or militia plays in terms of access to other economic resources and goods and the incentives that attach to maintaining armed forces. Understanding the potential for military power-sharing (and indeed all forms of power-sharing) to entrench division is important to anticipating implementation challenges and mitigating them.

6) Important questions to ask of military power-sharing arrangements include:

- ▶ Whether the provisions are intended as transitional, in which case they will affect the conduct of the transitional arrangements and will need a longer-term security transition plan.
- ▶ Whether they are intended as part of a wider indefinite 'deal' focused on inclusion of a previously excluded ethnic group.
- ▶ Whether they are part of a broader process of democratisation of armed forces.
- ▶ Whether they contemplate not just army but also policing functions and the need to re-configure the relationship between the two.
- ▶ The extent to which there is a tradition of functional public institutions and any rule of law capacity in the society.
- ▶ Whether international peacekeeping forces or other forms of international DDR and SSR support mechanism are present.

7) It is important to anticipate whether military power-sharing proposals are likely to result in joint exercise of power in a unified state army or 'split' security force with 'forces within forces' reporting to a split 'government of national unity' or a highly territorially devolved political arrangement.

Military power-sharing arrangements often enshrine rather than resolve contestation over the nature, operation, and control of military actions. Understanding the extent to which military power-sharing provides for a unified force (now incorporating rebel forces), or in fact will enable the ongoing existence of split forces nominally brought within one structure, is important to anticipating and managing the process and risks at the implementation stage. There are also critical differences in providing for proportionality of armed groups and forces and proportionality of different ethnic groups, which may be worth exploring in terms of how inclusion of different political and ethno-national identities in the armed forces relate to questions of who control the armed forces.

8) Consider what rule of law and reform measures might mitigate the role of elite and powerful leaders maintaining permanent dominance through military power-sharing in the long-term.

For example by:

► **Widening the social ambition of inclusion measure beyond armed actors.**

Due to the unique nature of militaries and the hierarchical structure, it can be difficult to widen their terms of inclusion. Creating more inclusive security force institutions should open up questions of how to create opportunities to increase those who may be under-represented in the armed groups, such as women and 'non-aligned' minorities (minority groups whose identity claims have not been central to the genesis of conflict). Special consideration of how military power-sharing arrangements may affect the position of women already operating as combatants in state and non-state forces will also often be necessary to ensuring inclusion. Addressing broader forms of exclusion from state structures, including on the basis of gender, can operate to diffuse power in useful ways. For all previously excluded groups, targets and special measures for learning, recruitment, support, training and attention to promotion opportunities, should be explored with serious consideration.

► **Human rights and humanitarian law commitments, and amnesty.**

Human rights and humanitarian law commitments are often an important part of a political package, which aims to affect a security transition. While incorporating international norms may be understood (in particular, by normative actors like the United Nations), to be good in itself, human rights protections should also be understood in terms of the political dimensions of the security transition. Forms of accountability are useful to ensuring that the operation of newly reconstituted militaries do not create new conflicts and abuses. Human rights monitoring can make a contribution to the monitoring of implementation, as reporting of human rights abuses can indicate wider problems in the military power-sharing arrangements.

Part I:

Understanding Military Power-sharing in Peace Processes

What is military power-sharing?

Definitions of military power-sharing are contested. For the purposes of this paper we define military power-sharing as 'an agreement to share military decision-making and/or operational tasks between different armed contenders for power, or to proportionally include ethno-national groups or former combatants in ranks and file or command structures'. The term military is used broadly and includes provisions relating to all arms of security forces, including for example, police.

Military power-sharing in peace processes provides an important security guarantee that is often highly effective in ensuring an end to conflict. As the state will formally retain a monopoly on the legitimate use of force, the inclusion of rebel or non-state actors in military structures can provide an important security guarantee without which one side will essentially be expected to unilaterally disarm. Military power-sharing, therefore, often needs to be negotiated and supported.

Power-sharing at the level of the relevant ministry, the command level, and the level of merged forces, is often important to the wider ambition to end violent conflict by providing legitimate avenues for armed actors to continue to exist as such, at least in the short-term. Military power-sharing can also have more principled ambitions to address 'ownership' of the armed forces by dominant political or ethnically partisan groups as part of a broader political package. State militaries are powerful institutions frequently heavily involved in the conflict, and often reflect the political and ethnic divisions at the heart of the conflict. Sometimes military power-sharing arrangements have both principled ambitions of inclusion and encapsulate a crude military 'deal' understood to be necessary to ending the conflict.

The conflict resolution ambitions of military power-sharing are similar to those of political and territorial power-sharing: it involves bringing parties and groups central to the conflict into the key institutions of the state. Given that conflict in many situations has arisen from a minority group rebelling against a powerful or repressing majority (Gates et al. 2016), military power-sharing can, in particular, provide an important security guarantee to non-state armed actors (Walter 1997). As with political power-sharing, military power-sharing can give combatants a constitutional and legal way to have their issues and concerns addressed so as to stabilize the state (McGarry & O'Leary 2004). However, concerns also exist that like political power-sharing, military power-sharing can also entrench conflict by splitting the control of key institutions responsible for the use of force between state and non-state factions, thus consolidating rather than diffusing corporate or group access to power (see Hoddie and Hartzell 2003; cf. Horowitz 1985 with reference to criticisms of power-sharing more generally).

Military power-sharing can overlap with all three other forms of power-sharing (political, territorial, and economic) as we will see further below. It also often forms part of a broader 'security transition', in which military power-sharing is an integrated part of DDR and SSR modalities. Understanding how military power-sharing arrangements relate to the often-competing short-term and long-term goals of any security transition is also important to understanding design and implementation challenges.

Effectiveness and risks of military power-sharing: the literature

How effective is military power-sharing in achieving its purported goals? Literature and research on military power-sharing on its own terms is not extensive. As Binningsbø (2013) has remarked, there is not even an academic consensus on what power-sharing is and how to study it.¹ However, there is a wider literature on 'security transitions', including DDR and SSR, which addresses elements of military power-sharing. A comprehensive review of dedicated military power-sharing research, however, indicates a small body of mostly quantitative work which also calls for more research to be done on the effects and implementation of military power-sharing.

¹ In 2013, Binningsbø provided an excellent table giving an overview of power-sharing research at that stage (2013: 91-94).

The study of civil wars indicates that even where parties have political and military incentives to reach a bargain to end conflict, several difficulties prevent them from doing so. Hartzell and Hoddie (2003a), Glassmyer and Sambanis (2008) and Jarstad and Nilsson (2008) all point to the difficulty in having former adversaries trust one another sufficiently to hold to commitments made in agreements. In particular, the difficulty of dealing with security guarantees and the role of armed forces can be a serious obstacle to ending the conflict (see, for example Fearon (1995) and Walter (1997)). Incentives to renege on peace settlements can leave parties – in particular non-state actors – vulnerable to defeat in ways that were not possible during the conflict. Alternatively a stalemate can also leave the state with a 'dual security structure' of state and non-state forces which needs addressing. Research indicates that military power-sharing arrangements may be effective in addressing these issues (see for example Bussmann and Ranft 2016). Military power-sharing arrangements are widely understood to provide the opposition with security guarantees because they leave a share of troops under their command or ensure some stake in the security forces (Hoddie and Hartzell 2003). This means that non-state actors are not asked to unilaterally disarm with the risk of annihilation if the agreement fails, but will be able to retain some military capacities for self-defence purposes. Where trust has broken down to such an extent of violent conflict, Walters (2002) argues that military power-sharing is not sufficient on its own to bring about peace and is almost superfluous unless guaranteed by international involvement. As patterns of peace agreements have shown, many military power-sharing agreements involve some sort of international third-party involvement within security institutions, especially in the short term.

However, it has been suggested that military power-sharing provisions are also effective because parties take risks to agree them, and may only be prepared to take those risks and to follow through on them when they are committed to moving from conflict. Military power-sharing arrangements can therefore involve a powerful 'cost signal' from rebel groups that they are committed to peace. They may also involve a counter signal from the government that they are prepared to concede a degree of legitimacy of non-state armed actors and a need to change state structures to accommodate them. Jarstad and Nilsson (2008) highlight military power-sharing arrangements as mutually costly because each party is required in these circumstances to manage their supporters in a way that does not fracture groups into further conflict. There is therefore a mutual incentive to agree to terms which are fair to both parties.

Ventured by Fearon (1995) and built on by Kydd (2000) and Reiter (2003), a theory of cost-signalling is now thought of as a major aim of peace agreement drafting and related to security guarantees. Gates (2016) also makes the point that by establishing power-sharing in the very institutions of the state, especially the military, when road bumps occur in the transition to peace, parties are more likely to turn to negotiation than all-out war if the cost of fighting is too high. Put simply, if both parties are willing to risk the costly fall out from committing to military power-sharing provisions within peace agreements, they appear more committed to working towards peace. While the very signing of agreements with military power-sharing provisions may therefore be significant to peace, clearly implementation also matters. Here there is little evidence, but Jarstad and Nilsson (2008) show that only one third of all military power-sharing divisions were actually fully implemented. Additionally, implementation data by Joshi et al. (2015) also indicates relatively low levels of implementation.

Relationship of military power-sharing to other forms of power-sharing

As noted in our other power-sharing reports, broad consistent conclusions from power-sharing studies are frustrated by different methodologies and datasets used, as illustrated in Binningsbø's table. Binningsbø, summarizing the work of Walter (1997), Hartzell and Hoddie (2003a), Mattes and Savun (2009), and Mukherjee (2006), notes that they all conclude that military power-sharing helps to reinforce peace building, but disagree as to how this is affected by its relationship with other forms of power-sharing. Academics, however, are not unanimously agreed over the virtue of military power-sharing, both in general and as a means to signal commitment towards peace. Horowitz (2003) has argued that power-sharing generally has the ability to strengthen divisions amongst parties rather than ease them, as forcing conflicting groups to integrate fosters a focus on the divisions that prompted war. Spears (2002) cautions against military power-sharing in states where fatalities have been particularly high. He contends that while military power-sharing may be effective in states where killing has been less pronounced, cooperation may be more difficult in scenarios where the conflict stakes have been higher. Ironically, therefore, military power-sharing may work less well where it is most needed. The argument runs that where there have been high levels of casualties on both sides, significantly more reconciliation is required before power-sharing arrangements could be considered. Essentially, distrust and animosity will be too great between the parties for them to work together effectively.

While there might be merit in this analysis, military power-sharing often sits within a package of conflict resolution measures which can operate to mitigate distrust. Moreover, as our above qualitative assessment of military power-sharing indicates, some forms of military power-sharing operate more to 'split' power than to 'share' it, reducing the need for conflict parties to work together in shared institutions – although new forms of cooperation will still be required.

The design of military power-sharing arrangements can operate somewhat to mitigate risks which can arise during a cessation of hostility. Some also aim to address exclusion rather than just operate as a military guarantee. As Doyle and Sambanis (2000) recognize, 'civil wars arise when individuals, groups, and factions discover that a policeman, judge, soldier, or politician no longer speaks and acts for them.' As a result, power-sharing can help address this imbalance and allow individuals from both sides of the conflict to engage with all arms of the state. Some of the examples in Part II of this report indicate ways in which regional power-sharing arrangements also provide access for local citizens beyond armed groups. At its core, power-sharing aims to ensure that no one side can have full control over state power, and military power-sharing in this context signals a new, more inclusive political settlement for the state, more broadly.

It is also worth noting, however, that military power-sharing can be costly in a purely financial sense. As Del Soto and Del Castillo highlight (1994), the strain on a country's finances of implementing peace agreements can be a very heavy burden. A state exiting a period of conflict is unlikely to have a flourishing economy and this, coupled with high implementation costs, can prove prohibitive. Del Soto and Del Castillo point to El Salvadorean military power-sharing provisions which required an estimated US\$250 million to purchase land, pay members of the armed forces, buy accommodation, and other ancillary costs. This can make implementation challenging. Moreover, despite costs being a legitimate reason for renegeing on military power-sharing commitments, such an outcome will likely undermine trust amongst parties.

Finally, the literature pays little attention to the relationship of women in military power-sharing arrangements. This is mirrored in peace agreements, where military power-sharing clauses do not mention women, except in the context of reintegration, even though the relationship between gender and the military is theorized elsewhere (see Duncanson 2009). Article 29 of the 2006 Darfur Peace Agreement, for example, calls for 'special requirements' of female combatants to be taken into account, and that 'special attention' should be paid to the integration of female former combatants.

Part II:

Forms of Military Power-sharing in Peace Agreements

Military power-sharing as specified in peace agreements is diverse in its elements and breadth of issues. We set out the following main types of power-sharing modalities, which can be used separately or together in different combinations. Within each modality, we indicate some of the key design choices which arise and note examples from peace agreement texts.

Merging of forces in national army of police as military power-sharing

Power-sharing is achieved by developing institutional structures whereby forces who were previously on opposing sides come together to form one joint military. Peace agreements in our study vary in approach - some states, such as Côte d'Ivoire, seek to merge former combatant militaries into the national military. While, often more successfully, others create entirely new military institutions and draw personnel from a mixed pool of former combatants and state military, such as Liberia. We also see attempts to provide for group inclusion through proportionality requirements. For example, in Burundi the Arusha peace agreement provided that no more than 50 per cent of the national force could be drawn from one ethnic group (see box below). These types of provisions are focused not merely on merging two opposing militaries, but in achieving a proportionate balance of ethnic groups in the newly constituted military. The proportions may reflect the broad proportion of ethno-national groups in the population, or may be chosen to ensure an element of joint control of the military. Interestingly in Burundi, when more detailed agreements were signed with armed groups, the proportions were specified in terms of government and non-state actors (see CNDD-FDD agreement, box opposite).

Burundi, Arusha Peace and Reconciliation Agreement for Burundi, 2000

Page 63, Protocol III: Peace and Security for All, CHAPTER II: THE DEFENCE AND SECURITY FORCES, Article 14 - Composition of the defence and security forces:

1. Composition of the national defence force

...(g) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

Page 66, Protocol III: Peace and Security for All, CHAPTER II: THE DEFENCE AND SECURITY FORCES, Article 16 - Balances within the defence and security forces:

...4. For purposes of rapid reduction of the command-level imbalances, accelerated training of commissioned and non-commissioned officers from among the combatants of the political parties and movements shall be conducted in Burundi and abroad as soon as the transition period commences.

Burundi, Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD, 2003

Page 17, Part II: FORMATION OF THE BURUNDI NATIONAL DEFENCE FORCE, 2.0 POWER SHARING IN THE DEFENCE AND SECURITY FORCES:

The principle of parity shall apply. The following percentages shall be used:

- Transitional Government of Burundi - 60%
- CNDD-FDD - 40%

Details of power sharing in the defence and security forces are contained in the MOU.

Where forces are merged and integrated, peace agreements indicate a number of different ways this can be achieved. The destination of non-state armed actor integration can be determined by choice or need, and may be coupled with other avenues out of the military, to police, or even other civilian structures. The following are key options.

► **Predetermining the number that will be integrated into the Army:**

Peace agreements often specify numbers of combatants to be integrated into the military to ensure balanced representation of these groups. Providing for the detail of integration often requires deciding who exactly is to be integrated and how the process will be managed, as the Burundi example illustrates.

Burundi, Déclaration du Directoire Politique du processus de paix au Burundi sur le processus de mise en oeuvre des décisions conjointes prises à Pretoria, 2009

Page 1, ... The decisions taken in Pretoria have been transformed into the following specific actions which the Burundian parties must implement immediately:

- The FNL having separated their adult and child members must (a) within 3 days gather together all of their members whose names appear on the certified list and who are still in the pre-assembly zones, disarm them and hand over all their arms to the African Union Special Force, (b) separate the various elements and allocate them to the following four categories:

(1) 3,500 will be integrated in the defence and security forces of the Government of Burundi;

(2) 5,000 will be demobilised;

(3) A maximum of 10,000, outwith those in (1) and (2), but who may be considered to be "Associated adults" of the Movement;

► **Establishing parallel state and non-state actions through an incremental process:**

Sometimes a process is established outlining the initial steps towards integration, which will then be completed and resolved later through inter-army discussions and Memorandums of Understanding.

Angola, Memorandum of Peace and Understanding in Cabinda Province, 2006

Page 5, Memorandum, CHAPTER II Provisions on the Cessation of Hostilities and Reconciliation of the Memorandum B) Cessation of hostilities:

... 3.2. The task for establishing the demilitarization of the FLEC Military Forces and the other organizations under the authority of the Cabinda Forum for Dialogue includes the following:

.... i) the presentation by the Government, through the General Staff of the Angolan Armed Forces and the General Command of the National Police, of the necessary requirements for entry into the Angolan Armed Forces and National Police, personnel from the FLEC Military Forces and other Organizations under the authority of the Cabinda Forum for Dialogue;

j) the definition by the Cabinda Forum for Dialogue of the personnel of the units and structures of the FLEC Military Forces and of other organizations under the authority of the Cabinda Forum for Dialogue that will integrate the Angolan Armed Forces and the National Police, namely: [lists ranks to be filled in Angolan Armed Forces]

► **Setting out general criteria for selection:**

Military power-sharing arrangements may be coupled with a set of criteria for membership that also meet other social needs.

Burundi, Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD, 2003

Part II: FORMATION OF THE BURUNDI NATIONAL DEFENCE FORCE, 1.0 THE PROCESS, c. integration process, (1) Criteria for the selection of Servicemen in the BDNF: (2) The war-wounded and handicapped shall, however, remain eligible for Army Service, according to their specialisations, unlike the disabled servicemen who shall be demobilized but assisted. ...

Non-Commissioned officers shall:

- Be volunteers
- Serving and NCOs
- Burundian nations
- Be physically fit

► **Linking military power-sharing with other forms of social integration:**

Provision can be made, not just for integration of forces, but also for alternative pathways into non-military demobilization. The agreement from the Democratic Republic of Congo (DRC) below indicates the ways in which DDR and military power-sharing can be combined.

Democratic Republic of Congo, Act of engagement – North Kivu, 2008
(see also Act of Engagement – South Kivu, 2008, Aveba Minutes, 2006)

Article II: On the disengagement of CNDP, PARECO/N-K, Mai-Mai Kasindien, Mai-Mai Kifuafua, Mai-Mai Vurondo, Mai-Mai Mongol, UJPS, Mai-Mai Rwenzori, and Simba troops, and the creation of demilitarised zones for FARDC, on mixing, on integration, and on the PNDDR.

- The formal order to troops to cease hostilities across all military terrain;
 - Geographic location of armed groups (exact map positions);
 - Determination of disengagement and buffer zones;
 - Request to deploy MONUC observers to monitor the ceasefire;
 - Implementing the plan resulting from the Joint Nairobi Communiqué on the disarmament and repatriation of armed foreign groups;
 - Specification of the itinerary for the redeployment of armed groups to the transit centres (first movement) and to the mixing and demobilisation centres (second movement), followed where necessary by training and instruction;
- Specification of the procedures for mixing taking into account the presence of foreign armed groups referred to in the Joint Nairobi Communiqué of November 9, 2007
- Request to deploy the MONUC in all terrain occupied by the CNDP, the PARECO/N-K, the Mai-Mai Kasindien, the Mai-Mai Kifuafua, the Mai-Mai Vurondo, the Mai-Mai Mongol, the UJPS, the Mai-Mai Rwenzori, and the Simba; Re-establishment of State Authority (Police, Administration, Justice);
- Integration in the regular Armed Forces;
- Demobilisation and social reinsertion;

[cont'd]

- Respect for DDR activities, leading either to mixing for purposes of integration in the FARDC, or to demobilisation and reinsertion to prepare for a definitive return to civilian life, an essential stage in the peace and security process in the province of North Kivu;
- The unconditional participation of the CNDP, the PARECO/N-K, the Mai-Mai Kasindien, the Mai-Mai Kifuafula, the Mai-Mai Vurondo, the Mai-Mai Mongol, the UJPS, the Mai-Mai Rwenzori, and the Simba, in accordance with national legislation, in implementing the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo, FARDC) integration plan, and in the National Programme of Disarmament, Demobilisation and Reinsertion (Programme Nationale de Désarmement, Démobilisation et Réinsertion, PNDDR);
- Communication of lists of personnel and of arms, and of their locations, upon signature of the present Act, in accordance with the timetable established by the ad hoc Committee, with the assistance of the International Community. In order to do this the following two Sub-Commissions of this Commission shall be created:
 - (a) A Mixed Military Sub-Commission, responsible for:
 - disengagement;
 - mixing;
 - demobilisation;
 - social reinsertion;
 - (b) A Humanitarian and Social Sub-Commission responsible for:
 - questions regarding internally displaced persons;

- Establishing military technical committees, often with mixed membership and/or international actors:

This is also illustrated by the North-South Kivu examples above.

- **Amnesty:**

Amnesty is often addressed alongside military power-sharing. While understood as controversial in terms of international human rights, humanitarian and international criminal law, amnesties in this context aim to address situations in which crimes will have been alleged domestically only against non-state armed actors, and amnesty is therefore understood as a necessary part of military power-sharing arrangements (see examples of short DRC agreement below). The issues raised by amnesty, and the different accountability and legitimacy implications of different types of amnesty provided for in peace processes, are addressed more fully in a PA-X briefing on conflict and peace process amnesties (see Mallinder 2018).

Democratic Republic of Congo, Accord entre le CoRDC et le Mouvement Revolutionnaire Congolais (MRC) en Presence de la MONUC, 2006

After discussion, the parties agreed the following:

- a general amnesty for all MRC members involved in the process;
- the integration (which implies free movement) of MRC leaders, regrouping of all contingents in locations to be determined during the technical meeting, logistical assistance, return of arms to arms stores, pre-incorporation of troops in the centre of Rwapara, pre-deployment of troops within the FARDC units developing in Ituri;
- Establishment of a mixed technical team of FARDC, MRC, MONUC, and other partners.

Joint Leadership as Military power-sharing

Power-sharing is achieved by passing operational, tactical, and occasionally strategic level decisions concerning military matters to individuals from both sides of conflicting groups. This can be done in the following ways:

- ▶ **Establishment of a joint commission or defence council which has representatives from each party making key decisions:** This is one of the most common approaches for military power-sharing provisions, see Afghanistan, for example.
- ▶ **The appointment of generals or senior ranking officers from opposition armed groups appointed to senior positions within the national military:** This can overlap with a merger of forces, but is key to giving former conflict actors greater control over day-to-day military activity. Angola is a good example.
- ▶ **Consensus or 'veto' decision-making:** Sometimes provisions for joint command indicate that decisions are not valid unless they are agreed by both sides. Mozambique adopted this arrangement, providing that orders were not valid unless signed by two generals of equal rank from each side. Joint Leadership also overlaps somewhat with political and territorial power-sharing (see further Bell 2018, and Wise 2018).
- ▶ **Ensuring equivalent recognition of military ranks within non-state armed combatants, or continuation of career paths:** This can be done in a number of different ways.

- **Recognising ranks as defined by rebel groups:** this can be done via presidential decree or other agreed upon mechanisms, see examples in box below.

Democratic Republic of the Congo, Peace Agreement between the Government and Le Congres National pour la Défense du Peuple (CNDP), 2009

Article 12.7, The Government shall take charge of the war wounded, orphans and widows of ex-CNDP contingents, of whom a list shall be prepared by CNDP. The parties agree to formally recognise the ranks of ex-CNDP elements in both the Congolese National Police and FARDC. This shall be administratively comprehensively regulated within the framework of the General Law and the relevant regulations shall be enacted. Greater efforts shall be made to provide effective logistical support to units on the ground.

Philippines/Mindanao, Final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), 1996

Article 19.e.d, The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, nondiscrimination, equity and preferential treatment for the poor and underprivileged.

- **Recognising ranks as defined by rebel groups:** this can be done via presidential decree or other agreed upon mechanisms, see examples in box below.

Côte d'Ivoire, Fourth supplementary agreement to the Ouagadougou Political Agreement, 2008

Article 7, The two Parties have decided to resolve the issue of the ranks of FAFN soldiers who are former members of the Defence and Security Forces (FDS) as follows:

- The two general officers of the Forces nouvelles shall be assigned the rank of brigadier general by presidential decree as from the date of adoption of the Amnesty Law of 12 April 2007;
- Commissioned officers, non-commissioned officers and other listed personnel who were retired at the outbreak of the crisis shall continue to receive a pension, provided that they produce the necessary documentation. Those who reached the age limit for their rank between the beginning of the crisis and now shall be eligible to retire, following the process of rank harmonization;
- Commissioned officers, non-commissioned officers and other enlisted personnel who were members of the FDS and are still considered active staff shall have their career paths restored, based on the principle of rank harmonization with their FDS equivalents; shall receive their pay arrears; and shall be incorporated into the new national army as from the date of adoption of the Amnesty Law of 12 April 2007. Those who wish to retire or to work for other Government institutions in positions equivalent to the ranks to which they have been promoted may do so;
- Non-commissioned officers and other enlisted personnel who have been promoted to the rank of commissioned officer shall maintain their ranks on an operational basis and shall become eligible for retirement once the crisis recovery process is completed. An ordinance to that effect, attached in the annex hereto, shall be issued by the President of the Republic and shall specify the conditions of that appointment and the modalities for retirement;
- The soldiers recruited under class 2001/1A for training and incorporation into the army who are currently in the FAFN ranks shall be hired by the FDS under the Amnesty Law of 12 April 2007 and incorporated into the new national army.

- Creation of specialized bodies to deliberate on recognition of rank, or opt for arbitration: see the examples from the DRC and Angola below.

Democratic Republic of Congo, Acte d'Engagement – Nord Kivu, 2008

Article IV.2, To create a Technical Commission by Order of the President of the Republic, in particular to finalise the disengagement plan, and questions of rank, integration and management of demobilised personnel;

Angola, Luena Memorandum of Understanding, 2002

ANNEX 2, 2. The designation of general officers, senior officers, junior officers, sergeants and other enlisted personnel coming from UNITA Military Forces to be integrated into the Angolan Armed Forces is the responsibility of the High General Staff of UNITA Military Forces.

Côte d'Ivoire, Troisième Accord Complémentaire à l'Accord Politique de Ouagadougou, 2007

Article 9, With regard to the question of the ranks of soldiers who have changed position in the FAFN, the two Parties agree to refer to arbitration by the Facilitator.

- Parties agree upon criteria for the determining of rank and a process for applying it: see the Doha Agreement below.

Sudan, Doha Document for Peace in Darfur, 2011

461. The following criteria shall guide the process of determining ranks:

- i. Age;
- ii. Training and combat experience;
- iii. Academic qualifications;
- iv. Former military and police officers dismissed because of the conflict in Darfur shall be returned to their former ranks in the first instance and thereafter given the ranks of their course mates after passing the required competency based tests;

Mali, Accord Pour la Paix et la Reconciliation au Mali - Issu du Processus d'Alger, 2015

Within 90 days of signing the Agreement, the Integration Committee, in coordination with the National Council for RSS, shall establish the criteria, quotas and methods for the integration of combatants in the units constituted by the State, including in the armed and security forces, and will harmonise the ranks;

- On this basis, the movements will submit a list of their combatants as candidates for integration, and the Government shall take any necessary measures to integrate them, no later than six months after signing the Agreement, supervised by the Integration Committee and the National Council for RSS;

- The Integration Committee, in coordination with the National Council for RSS, shall make proposals for methods to allocate and reclassify ranks. Members of the movements who were formerly officers in the armed and security forces shall be reintegrated in at least the same ranks. Those not fulfilling the conditions and those who do not choose to be integrated shall be granted a retirement pension proportional to an invalidity pension or any other similar arrangement.

Parallel security structures as military power-sharing

A third form of military power-sharing is provided by incorporating wholesale, rebel fighting forces in their existing form, to constitute a new layer of state security forces. The accommodation of non-state forces in a parallel force can respond in particular to sub-national rebel control of territory as an existing fact. It technically restores the state's monopoly on the use of force, but by 'converting' local non-state forces into stand-alone state forces. This approach was taken in an agreement between the Government of Mali and non-state combatants in Azawad where a non-state force was converted into a 'para' state force, for an initial transitional period, before a more formal integration in armed forces in the form of creation of more 'special units' for the region. This provision was also coupled with commitments for state armed withdrawal from the area, other forms of downsizing and demobilization and wider local recruitment as set out in the box below.

Mali, Pacte National conclu entre le Gouvernement de la République du Mali et les mouvements et fronts unifiés de l'Azawad consacrant le statut particulier du Nord au Mali, 1992

Article 9, A programme to repatriate displaced persons shall be prepared following signature of the present pact. The programme shall start 60 days following its signature, that is after implementation of the ceasefire provisions set out in paragraph 7 which read as follows:

Within 60 days of signing the pact, a programme relating to the measures below shall be delivered:

- A - within the framework of measures to restore confidence, eliminate causes of insecurity and establish complete security,
- There shall be total integration , individually, voluntarily and based on criteria of competence, of the combatants of the United Movements and Fronts of Azawad (MFUA) in the different State uniformed units;
- For one year, special units of the armed forces shall be created, composed mainly of the MFUA combatants;

[...]

[cont'd]

- Special units of the Army shall be created, completely open to all members of the local populations, whose remit shall be limited to maintaining the integrity and external security of the national territory.

Provisions relating to the integration of all the above combatants of the Movements and Fronts shall address the return of elements of the latter with their arms. This operation shall be carried out with the support of the Ceasefire Monitoring Committee;

[...]

B - In addition, and within the same framework, the measures to restore confidence, eliminate factors of insecurity and establish complete security, shall be preceded by a gradual and appropriate reduction of the armed forces currently in the north, leading to a major withdrawal. This operation shall be carried out in accordance with:

- definitive cessation of hostilities, in accordance with the ceasefire agreed in paragraph 5 above,
- implementation of the security measures and mechanisms foreseen in paragraph 7 above,
- the changed remit of the national army tasked with the national defence in future, involving an extended programme of redeployment of military installations away from urban areas and areas of pasture land and grassland, as well as the conversion of some of these Army installations into military and para-military training colleges, and the use of some disused barracks for professional training.

Every effort shall be made to ensure that this repatriation programme be completed within 60 days of its launch.

...Article 52:

While taking into account the minimum qualifications necessary, the government shall make a particular effort to ensure the integration of members of the Movements and persons from Northern Mali in the central institutions of the Chief of Staff of the National Defence and other security units.

This measure, which shall be carried out within two months of signing the Pact, is designed to consolidate confidence and to involve a significant number of the Malian population in the national defence.

...Article 71:

[cont'd]

The ad hoc integration of members of the Movements and of the populations of Northern Mali in the central institutions of the national defence and the public and parapublic authorities, shall be completed two months after signing the pact. A timescale shall be agreed for taking up posts.

...Article 74:

Six months after signing the present Pact:

A – Special units of the Army open to all members of the local populations shall be created, whose remit shall be restricted to preserving the integrity and external security of the national territory, and which are the subject of the last indent of paragraph 7 above;

[...]

Detailed deployment provision and military power-sharing

Some peace agreements specify in extensive detail where battalions will be deployed, the make-up of each regiment, and how they will operate in ways that give different combatant groups control over military forces in different areas, as noted in the Mali agreement above. The Comprehensive peace agreement between North and South Sudan in 2005 went further, detailing the divisional structure of each battalion to operate in each region (see box below). The majority of provisions leave the question of operational decision-making un-stated. These arrangements risk loyalties lying at the battalion level, and no clear unified control of operational decisions (see Moussa, 2016, on battalion loyalties and addressing unity in Lebanon). However, in circumstances where trust between the negotiating parties is low, the inclusion of deployment provisions can help give confidence to regional actors that their wishes will be taken seriously in the new security arrangement regime.

Sudan, Comprehensive Peace Agreement, Naivasha Agreement, 2005

(includes complex military power-sharing arrangements such as 'Joint Integrated Units' which nonetheless see battalion divisions reflect different fighting forces). Annexure I – Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices, Part II - The Armed Forces,

20. The Status of Joint Integrated Units:

20.13. The JIUs Composition and organization:

20.13.2. Organization:

20.13.2.1. The higher JIUs formation shall be division (see organizational structure attached as annexure 3). Thus, there shall be formed five JIUs division and one independent brigade as follows:

a) 1st Infantry Division which shall have a total strength of 9000 officers, NCOs and men and shall be deployed in Equatoria area.

b) 2nd Infantry Division which shall have a total strength of 8000 officers, NCOs and men and shall be deployed in Upper Nile area.

c) 3rd Infantry Division which shall have a total strength of 7000 officers, NCOs and men and shall be deployed in Bahr el Ghazal area.

d) 4th Infantry Division (unlike the other divisions, both 4th and 5th Infantry divisions are under-strength divisions) which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Blue Nile.

e) 5th Infantry Division which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Kordofan/Nuba Mountains.

f) Independent Brigade which shall be deployed in Khartoum with the total strength of 3000 officers, NCOs and men.

20.13.2.2. There shall be formed a JIU Infantry Battalion (Inf. Bn.) for Abyei Area whose strength shall be in accordance with JIUs standards. It shall be deployed in Abyei area and attached to 3rd Infantry Division.

Accelerated promotion and restoration and military power-sharing

In an attempt to accommodate those from underrepresented groups in senior positions, peace agreements often allow for individuals to enter rapid training and promotion schemes. This type of provision helps to address the issue of group under-representation in the upper echelons of decision making. Burundi and Chad, for example, make allowances for former combatants to be given preference in promotion (see for example, Article 16, Chapter II, Protocol III of the Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000). In circumstances when former combatants were previously members of the national military before defecting, some agreements allow for the restoration of ranks held before the conflict began (see, for example, Djibouti and Niger in the box below).

Niger, Accord de N'Djaména entre le Gouvernement de la République du Niger et le Front Démocratique pour le Renouveau (FDR), 1998

Article V. The elements of the Defence and Security Forces who joined the ranks of the FDR shall be reintegrated in their former units, and their individual positions shall be allocated in accordance with regulations determining the grades and functions of different military and paramilitary units.

Those ex-combatants who are retained after the triage shall be reintegrated in the Saharan Security Units and the paramilitary units. The Government shall take all necessary measures to reinsert demobilised ex-combatants in working life.

International involvement: domestic-international military power-sharing?

Depending on the scale and internationalization of the conflict, international organisations such as the UN, EU, NATO and AU are often involved in peacekeeping or other security sector support functions established via a peace agreement. These roles can vary from international peacekeeping forces providing a primary 'domestic' security function which, in essence, creates a 'three-way' military power-sharing structure between national combatants and international security actors. In the Dayton Agreement, the commander of the NATO-led implementation force (IFOR) played a significant role in chairing military commissions and leading opposing generals to consensus. Similar arrangements in Kosovo saw a Joint Military Commission led by the international community - the NATO-led Kosovo Force (KFOR). The international community is also regularly called on to provide assistance and build capacity for newly merged forces and training on newly developed security governance models at the political level. International actors can play a key role in funding and supporting SSR, in ways that include them in the design of core delivery functions. In Bougainville, Papua New Guinea for example, the New Zealand government and police both funded the development of Community Auxiliary Police which supplement regular police at the local level, and assigned New Zealand police officers to Bougainville to help build this institution (Dinnen & Peake 2013).

Military power-sharing and downsizing

Incorporating ex-combatants into state security forces runs counter to what may be a post-conflict need to reduce the armed forces, or at least not expand them. Agreements indicate how this tension can be mitigated in a variety of ways. Djibouti offers former combatants early retirement with cash for missing pension contributions or, alternatively, positions in government departments as civil servants to facilitate downsizing ([Article 6, Accord de Réforme et de Concorde Civile, 2001](#)). The tension between downsizing and accommodating is a major tension in military power-sharing provisions and broader security transition imperatives.

Military power-sharing at the sub-state level

Military power-sharing at the sub-state level often arises in a context of territorial power-sharing where a significant amount of control has been devolved to sub-state groups/territories as part of the peace agreement. In some regional agreements, the focus on power-sharing is on the police rather than the military. Conflict contexts may have seen state police having been used for more military-type roles during a conflict (examples include Northern Ireland, and Agreements in the Adivaasi regional conflicts in India, and South Sudan Agreement below). Even agreements dealing with localized conflict can include provisions integrating local militias into the armed forces. For example, in cases of 'rogue commands' in South Sudan, battalions were re-integrated into the National Army (see the Yau Yau Agreement below). Alternatively, sometimes local fighting forces are 'converted' into a formal 'parallel' force as discussed above.

South Sudan, Agreement on Resolution of the Conflict in Jonglei State between Government of the Republic of South Sudan and South Sudan Democratic Movement/Army-Cobra Faction (SSDM-SSDA-Cobra) (Yau Yau Agreement), 2014

Chapter 14, Article 14.2. Integration of the SSDA Cobra Faction

2.1. General Principles

2.1.1. The parties agree that the forces of the former SSDA Cobra Faction shall be peacefully integrated into the ranks of the national army, South Sudan police service and other organized forces.

2.1.2. The parties further agree that the number and the force ranks of the former SSDA Cobra Faction at all levels that will be integrated are subject, where necessary, to the general policy of the country's army structure and all other law enforcement organs.

... 2.2. Establishment of a Peaceful Integration Mechanism To effect clause 2.1.2. above, the parties agree that:

[cont'd]

1) A mechanism be established by the leaders of the two parties to this agreement; which shall be known as a Joint Military Technical Committee (JMTC) comprising an equal number to integrate the SSDA Cobra Faction forces into the National Army, National Security and Intelligence Services, South Sudan Police Services, Wildlife and any other organized force.

2) The JMTC shall consist of members of SSDA Cobra Faction, Ministry of Defense and Ministry of Interior.

...3.1. The screening, integration, training, organization and deployment of the former SSDA Cobra Faction into the National Army and Organized Forces shall be conducted within Greater Pibor Administration Area.

Upon conclusion and completion of the agreed numbers including the military ranks, this security arrangement agreement shall be an integral part of the Greater Pibor Administrative Area agreement.

3.2. The deployment of the former SSDA Cobra Faction into the South Sudan Police Service and other Organized Forces shall be done in accordance with the internal regulations and laws that govern these institutions mindful of the six counties that constitute GPAA.

3.3. The JMTC shall, upon its formation, jointly develop its elaborate terms of reference which shall facilitate a smooth integration process and this shall be done and shared with the CLMI and the leadership of the two parties to this agreement.

3.4. Integration process of the former SSDA Cobra faction into the national organs as specified in clause 14.3 above shall commence upon appointment of the Chief Administrator of the GPAA.

Military power-sharing and sequencing

Different ways of reaching agreement lead to different sequences of military power-sharing arrangements. Often military power-sharing first involves either establishing joint ceasefire monitoring arrangements, or joint patrols – focused not on a security transition, but on the immediate curtailment of violence. As we discuss further below, these can pave the way to more robust military power-sharing at later stages, and indicate the ways at which inter-military contacts and forms of cooperation are established in early stages of a peace process prior to any substantive peace agreement. Framework peace agreements may provide for initial broad principles of integration forces and commands, with later agreements providing detail, or side 'military agreements' providing also the processes by which military power-sharing will be established, or setting up new joint technical committees which often include additional international actors, to take these issues forward.

Case Study: Mozambique

Some of the dynamics and resultant peace agreement provisions can be illustrated with respect to Mozambique, where military power-sharing was central to reaching an agreement that was successful in the long-term, although tensions have emerged more recently. The Mozambican Civil War was fought from 1977 until the signing of a peace agreement in 1992. The conflict left more than a million dead and over four million civilians displaced. The primary belligerents were the ruling Front for the Liberation of Mozambique (FRELIMO) and the Mozambican National Resistance (RENAMO) (Bartoli and Mutisi, 2014), whose ideologies reflected underlying cold war dynamics. The strength of the insurgency was fueled by neighbouring African countries dissatisfied with the Mozambican government and a general distaste for the Soviet-style governance that abolished private property, imposed forced relocations and reformed the traditional chief governance structure (*ibid*).

The conflict ultimately reached a stalemate when the two parties came to realize that neither could win the war without significant losses. While FRELIMO controlled the cities and the infrastructure of the state, RENAMO had strongholds in most of the countryside and support from local tribes. The two parties agreed to enter negotiations to form a peace agreement: RENAMO transformed to a political party and sent representatives to negotiate, while FRELIMO conceded political reform and change. Ultimately military power-sharing and the merging of the two armed forces became a crucial element to the peace process.



FRELIMO sought to bring a quick ceasefire and address reform of the state at a later time once hostilities had deescalated. This did not suit RENAMO who recognized that their only real leverage was military power and as a result sought to deal with the major issues of the conflict. A unified military force became the clear way forward by both parties – it allowed the combatants to show that a new Mozambique was not under the control of an unreformed state. RENAMO received security guarantees and a place in state security forces, while FRELIMO could present an incremental constitutional evolution while maintaining elements of control (Manning 2002).

Some key elements of the negotiation are of note with reference to the military power-sharing arrangements ultimately agreed:

- ▶ International involvement was important. While the parties willingly came to the negotiating table, the UN facilitated the complicated and delicate nature of the deliberations.
- ▶ The state sought to have the former military force with the inclusion from RENAMO while the combatants wanted an entirely new infrastructure military. A compromise was reached whereby RENAMO made up 50 per cent of the military at all levels, including in the Navy where they had previously had no role.
- ▶ Concerns were raised as to a potential divergence between political and military leaders of the two parties. It became apparent that steps needed to be taken to ensure ground-level military actors would support the high-level decisions of the leaders. To enable this support it was provided that RENAMO combatants transferring to the joint military would keep their rank even if they had never received the training commensurate with that position. They also were guaranteed high ranking roles for senior officers (Dayton and Kriesberg 2009).

The negotiation resulted in the [General Peace Agreement for Mozambique, signed on 4 April 1992](#), and dealt extensively with military power-sharing, but less so with other forms of power-sharing. The relevant provisions are reproduced in Appendix A of this report in their entirety.

The establishment of a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) to supervise the ceasefire and monitor the implementation of the agreement was a procedural success, but required refinement over time. Initially the chairmanship of the body alternated between the RENAMO and FRELIMO. However, it was clear that this stagnated decision making because each party would wait until they were in the chair to push through major decisions. It was therefore agreed that international support was needed. A UN representative took over chairing responsibilities for the CCFADM, but Bartoli & Mutisi (2014) nonetheless highlight the minimal role played by international actors, and that the Mozambiquan parties took predominant ownership over the process. This factor inspired trust and helped keep proceedings moving.

Military power-sharing was coupled with encouragement of demobilization: former combatants were offered alternatives to enrolling in the military, with the provision of land and financial incentives to retire and start new lives. A general amnesty was offered to all combatants either rejoining the military or seeking retirement. While strategically, command of the military lies with the FRELIMO elected president because there is no political level power-sharing in Mozambique, it seemed that the military level reforms to command structure had led to a sustainable and acceptable compromise for all parties.

The peace agreement in general aimed to reorganize the polity in Mozambique and allowed for a culture of trust to develop. The merging of the military meant that both sides were secure enough in their representation and counterparts that they were willing to end the use of violence and work together. This was especially significant for the RENAMO insurgents because their military might was one of their prime areas of leverage.

After the signature of the 1992 agreement, large scale violence in Mozambique did not restart for over two decades in large part due to the military power-sharing arrangements. While this model was considered one of the most comprehensive and effective military power-sharing provisions of its time, recent tensions have resulted in a restart of violence. Due in part to allegations of voter fraud and state corruption, RENAMO began to remobilize in 2013 with various rebel splinter groups sparking violence. While the peace agreement has not formally broken down, it is clear that tensions are high, and it has been unclear what will happen to former RENAMO combatants who have now become established in the new military order (Darch 2015). The new (this time more localized and limited) conflict has arisen on the back of an interesting mix of 'old' and 'new' issues. Among the 'old' issues are the continued rule of FRELIMO and failure to devolve power territorially or ensure fair political playing field. 'New' issues include management of newly discovered natural resources and rent-seeking activities by the ruling FRELIMO. Many of these issues in-essence reflect under-developed or under-implemented aspects of the 1992 peace agreement, and notably its military power-sharing provisions, despite its comparative success for over two decades. As Regalia (2010, 25) puts it:

Although the 1992 GPA set up a framework for the creation of the new Mozambican army with the integration of former Renamo and Frelimo troops, the actual integration of former troops did not meet Renamo's demands to integrate into ranking positions in the military and the police. In addition, Renamo combatants could not benefit from the full reintegration benefits which were offered by the government: they were not eligible for pensions like former Frelimo troops, as these were based on pension contributions deducted from their salaries, whereas Renamo troops had obviously not received government salaries during the civil war. This created an inequality between benefits received by former Frelimo troops and benefits received by former Renamo troops, and one which has been addressed through peace talks rather than parliament. (references omitted)

This explanation points to the importance of thinking through in detail how military power-sharing is to proceed rather than putting in place the broad framework. This detail will be important to how 'real' the integration is for rebel groups and whether they are offered a real incentive to involvement in state forces. Interestingly, military power-sharing in peace agreements signed to address this more recent conflict also address reintegration of RENAMO rebels into the Armed Forces. This shows how it remains a key issue in the conflict.

Part III:

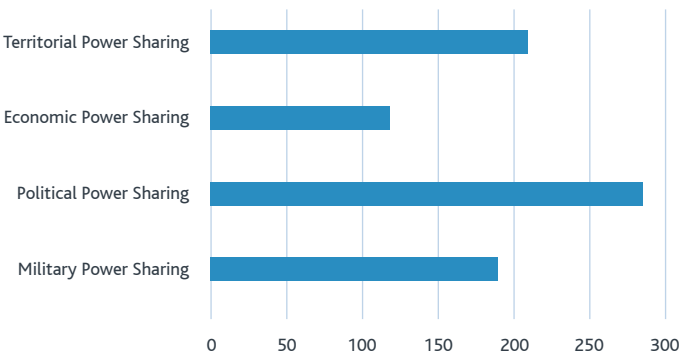
Global Patterns of Military Power-sharing

In this section we examine global patterns of when and how military power-sharing emerges in peace negotiations. The PA-X database indicates 193 military power-sharing provisions across 1518 peace agreements (at all stages of a peace process) signed between 1990 and 2015.

How does military power-sharing feature in agreements with other types of power-sharing?

Political power-sharing is the most frequent form of power-sharing in peace agreements. This is unsurprising as it is the most established and well-known model of power-sharing. Territorial and military power-sharing are relatively similar in number, due to the increasing reliance on forms of autonomy being granted in post conflict states to resolve violent acts. Economic power-sharing is the most under-developed both in frequency and in academic discourse.

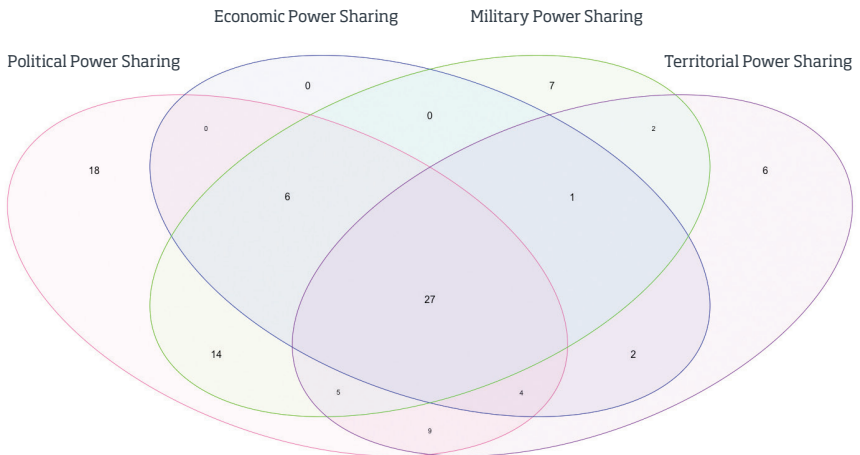
Diagramme 1: Frequency of Power Sharing Provisions



Where does military power-sharing overlap with other types of power-sharing?

Diagramme 2 shows the overlaps between different types of power-sharing across process. It shows more clearly that across a peace process, military power-sharing most often occurs in combination with all four forms of power-sharing, and then most often with political power-sharing, closely followed by territorial power-sharing. While economic power-sharing is most often an adjunct to these other forms of power-sharing, military power-sharing has been the only form of power-sharing agreed in seven contexts.

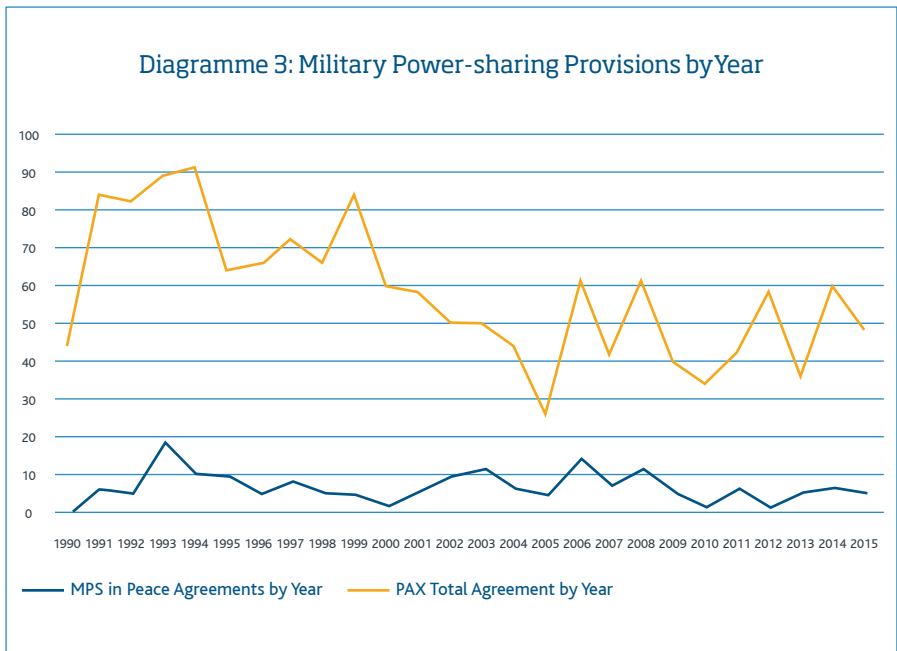
Diagramme 2: Different Forms of Power-Sharing and Numbers of Peace Processes



As noted above, Hartzell and Hoddie (2003a) contend that power-sharing is most successful when all four models are applied together, suggesting that the greater extent to which power-sharing is applied to peace agreements, and implemented successfully, the greater the likelihood of a sustained peace. The overlaps between military and territorial power-sharing reflects that specific deployment of armed forces to various regions are often designed to have greater representation of the dominant group within that region. Moreover, often regional battalions are commanded on the ground by Generals stationed within these regions.

Finally, while somewhat less common, military power-sharing and economic power-sharing can also overlap. Specifically, agreements that seek to protect key natural resources of the state from external threats but also internal destabilization can use integrated units to ensure cooperation in protecting those resources. In deploying jointly integrated and led units to protect areas of major economic value, power-sharing is achieved by giving joint assurances that the resource will be used for the benefit of the state as a whole. We see this with reference to oilfields in Sudan, where joint military units (JIUs) were given a specific role with relation to protect oil installations ([Sudan, Comprehensive Peace \(Naivasha\) Agreement](#), 9 January 2005, Part II, Article 20).

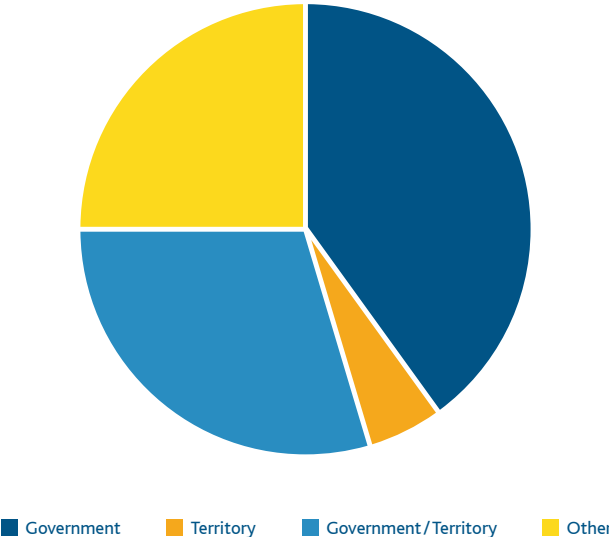
Have military power-sharing provisions become more or less prevalent in recent years?



Military power-sharing has roughly mirrored fluctuations in peace agreement numbers across the twenty-five-year period. There appears to be no general theme as to when military power-sharing provisions have been used, nor does there appear to be any great diversion with general peace agreement drafting.

Where does military power-sharing appear in particular conflict types?

Diagramme 4: Military Power-sharing by Conflict Type



PA-X codes conflict types into four broad categories:

- ▶ Government - disputes between non-state actors and the government on the nature of government
- ▶ Territory - secessionist and other territorially focused disputes
- ▶ Government/Territory - disputes which involve a challenge to the territory of the state and its form of government (in practice most intra state disputes with a territorial basis)
- ▶ Other - residual category (including 'inter-group' agreements).

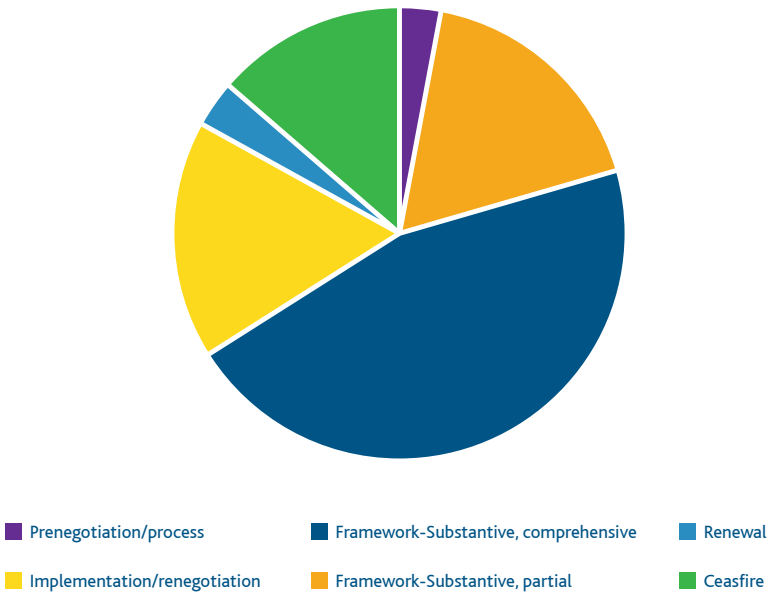
Military power-sharing is most likely to appear within conflicts which are either of an ideological nature or an ideological nature with territorial dimensions which to some extent is unsurprising as pure territorial disputes tend to occur in interstate conflicts.

At what stage of conflict does military power-sharing appear most often?

PA-X conflict stages:

- ▶ Pre-negotiation/process - agreements that aim to get parties into talks processes
- ▶ Framework-Substantive, partial - agreements where parties are engaged addressing substantive issues to resolve conflict
- ▶ Framework-Substantive, comprehensive - as above but reaching a comprehensive resolution of conflict
- ▶ Implementation/renegotiation - aiming to implement an earlier agreement
- ▶ Renewal - short agreements that renew previous agreements without making new commitments
- ▶ Ceasefire - provide in their entirety for a ceasefire or demobilization or monitoring agreement
- ▶ Other - residual category

Diagramme 5: Military Power-sharing by Agreement Stage



An overwhelming majority of military power-sharing provisions appear at the framework-substantive comprehensive stage of agreement. That is, military power-sharing is most likely to be agreed as part of an overall package to end the conflict. It would seem that parties tend to make commitments to power-sharing only when the wider conflict issues are addressed: some degree of trust is required to be built up between the parties at prior stages before they can commit to such costly commitments. These are most likely to be provisions which set out broader reform of political and legal institutions (see Mali agreement above).

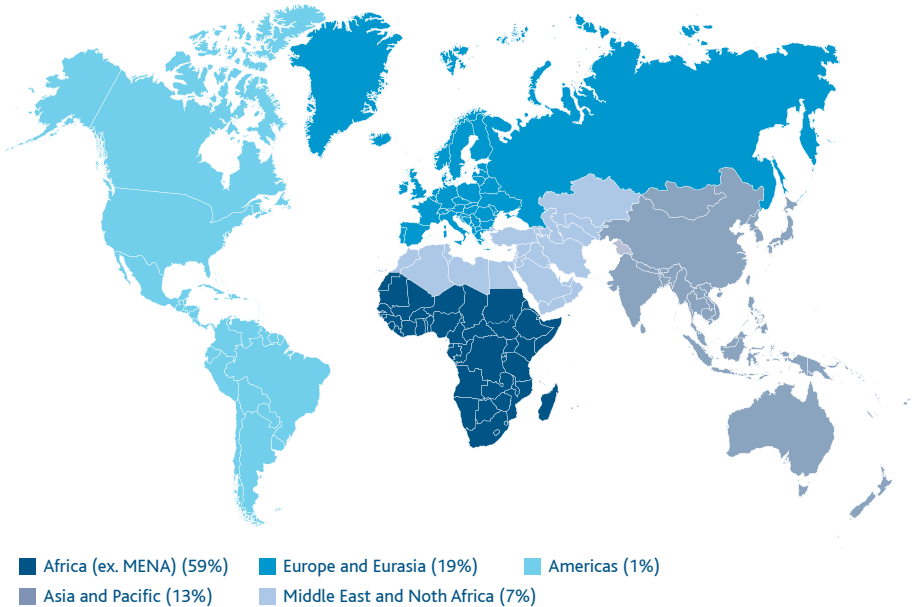
A relatively high number of ceasefire agreements also contain provisions for military power-sharing - in this instance mostly in the form of joint commissions for implementing and monitoring the ceasefire - made up of (often senior) personnel from each of the opposing forces signing the ceasefire, which have been coded as power-sharing in those agreements (see Mali example, box below). Interestingly, provisions for some form of military power-sharing in the implementation modality of a ceasefire agreement, correlates with an increase in the use of military power-sharing in framework peace agreements, indicating that these mechanisms might create forms of cooperation and shared exercise of military tasks, which may help pre-figure military power-sharing arrangements, perhaps by creating military-to-military relationships of trust, or modalities of shared working which build a pathway towards military power-sharing in later agreements.

Typical Joint Ceasefire Monitoring Provision

[Mali, Accord Pour la Paix et la Reconciliation au Mali - Issu du Processus d'Alger, 2016](#)

Annex 2, Section I ...the CTS shall include six representatives of the armed and security forces of Mali; three representatives of the Coordination and three representatives of the Platform. It shall include two representatives of MINUSMA (including the Chair of CTS) and a representative of each member of the Mediation Team and the international forces in attendance.

Geographical Spread of Military Power-sharing Arrangements



This map shows that, by a significant margin, military power-sharing arrangements are far more likely to occur in Africa than in any other region.² While it is also true that the highest number of peace agreements also come from Africa, the continent represents nearly half of the 59 per cent of peace agreements with military power-sharing. This data, of course, cannot tell us if Africa is particularly suited to military power-sharing, simply that more of it has occurred there. It speaks to a conflict resolution dynamic in which integration of state and non-state armed actors has been understood as necessary to ending mass scale violence, and perhaps also reflects the extent to which state institutions have been perceived domestically and internationally as lacking sufficient pluralism and legitimacy.

² This finding is highly statistically significant with a chi square test of $\chi^2(1, N=1518)=85.6, p<0.001$.

Part IV:

Choices and Trade-offs in Negotiating Territorial Power-sharing

Military power-sharing in peace agreements point to several persistent trade-offs. These trade-offs cannot be eliminated because they arise from the fact that military power-sharing offers a powerful security guarantee. This is often necessary to persuading combatants to end fighting, although narrow military deals necessary to end the violence in the short-term may have some counter-imperatives to a longer-term rule of law focused security transition. However, these two objectives may not be entirely at odds, because the move to open up partisan political 'ownership' of the military to wider participation of rebel groups carries with it the potential of moving the ambition for inclusion beyond these actors and the simple insertion of new counter-interests, towards more inclusive and responsive security sectors generally.

The tensions between military power-sharing and more principled approaches to SSR, can be understood in terms of a series of trade-offs which need carefully thought out if the peace agreement is to achieve short-and long-term goals of transition from conflict, with their often-competing imperatives. As our previous sections illustrated, peace process practice has innovated 'design solutions' which attempt to mitigate some of these tensions.

(1) Military inclusion/violence incentive trade-off:

The inclusion of oppositional combatants into national armed forces can create some perverse incentives to those outside the peace negotiations to create, join or split an armed group. Military power-sharing together with forms of DDR can paradoxically create an incentive to armed insurrection after the peace agreement has been negotiated, especially in contexts where armed forces are the major livelihood provider. Preliminary investigation indicates that this is not a major risk, but that the risk may be higher in cases where armed groups tend to proliferate anyway, and the complexion of armed opposition to the state is very splintered and diffuse, and with a range of locally-differentiated connections to the main national conflict (for example, in DRC and in Sudan). The peace agreement examples in Part II indicate ways in which peace negotiations produce proposals to mitigate this trade off, for example by also providing other ways of including combatants such as in political parties, on local development plan committees, or in other public administrative positions.

(2) Inclusion/downsizing trade-off:

This tension between downsizing armies bloated by conflict-incentives, and expanding them to include rebel group participants, is a major challenge for military power-sharing design. Peace processes must often achieve a 'civilianized' policing function that will not have existed during the conflict, and an associated downsizing of the army. In contrast, military power-sharing often involves expanding the size of the army and thereby empowering it, at precisely the moment when it needs to be downsized. In many contexts, the armed forces are one of the major providers of income generation, which is a well-known challenge to DDR programmes. Combining DDR with military power-sharing adds considerable complications to an already difficult process. Agreements deal with this tension in different ways. To facilitate downsizing in Djibouti, for example, former combatants were either offered early retirement with cash for missing pension contributions or positions in government departments as civil servants.

(3) Civilian oversight/regionalisation trade-off:

Also illustrated in Part II, some peace agreements specify to extensive detail as to where battalions will be deployed, the make-up of each regiment and how they will operate in ways which provide for power-sharing by providing for non-state armed actors to predominate in sub-state security forces. The resultant complexion of security forces as highly devolved can contrast with the idea of a centralised civilian control of armed forces under legislative and judicial oversight, and can (and in ways is intended to) reinforce existing regional and local control patterns of armed-actor control of territory established during the violent conflict. These arrangements speak to the capacity of military power-sharing to provide for 'power-splitting' and a set of 'forces within a force', rather than a reformed inclusive national structure which deals with the 'dual security structure' issue.

(4) Politically agreed security forces/depoliticization trade-off:

Independent civilian oversight of armed institutions relies on the non-partisanship and the de-politicization of the security apparatus. By its very nature, military power-sharing, as with any other form of power-sharing, is a deeply political process and can therefore contradict the goal of having a 'neutral' army or police force to be held accountable using civilian oversight. While there are many advantages to military power-sharing in establishing shared security apparatus which can therefore command cross-communal legitimacy and provide security guarantees to the parties to the conflict, there are disadvantages if an end goal is to move security governance away from a 'them and us' approach altogether.

(5) Power-sharing/accountability/equality trade-off:

A focus on integration of armed actors in the military often requires forms of amnesty which run counter to the concept of the criminal accountability of those who have been most responsible for human rights abuses and violations of international criminal law. Provisions to ensure that security forces comply with human rights and humanitarian law standards can play a role not just in reinforcing rule of law standards, but in providing for ongoing political recalibration of issues of security force 'ownership' which are also important to political equality.

(6) Unified state/forces-within-forces trade off:

Sometimes the integration of non-state armed combatants takes place through territorially distinct forces, division of power down to battalion level, or a merger in which whole units are combined in new separate structures. While often the rhetoric of the military power-sharing arrangements is one of 'unity' and that there is now a singular 'national army', in practice the dual force structure of the conflict will now be incorporated into the new army structure. This can lead to local unit-level loyalties, a divided command and control, and the operation of 'forces within forces'. This may be a reality that has to be overcome incrementally over time, through training, and incremental SSR.

Conclusion

Given the trade-offs stated above, military power-sharing is a highly complex and risky undertaking in any peace process, but is likely to be addressed in negotiations by the need to give security and political guarantees of inclusion to non-state armed actors. Any peace process which is not based on the pure victory of one side, and so has to deal with armed combatants that are not part of existing national security structures, will need some security-related assurances. Military power-sharing is a way to achieve this.

However, it can have problematic repercussions with wider conflict dynamics which need careful consideration, some of which can be addressed by thinking about power-sharing design more closely. As this report has pointed to, peace negotiations point out some innovations in the design of military power-sharing arrangements, which can affect how military power-sharing plays out in practice.

Appendix

General Peace Agreement for Mozambique, 4 October 1992

Protocol IV

04/10/1992

I. FORMATION OF THE MOZAMBICAN DEFENCE FORCE,

i. General Principles

... 4. The process of forming the FADM shall be conducted simultaneously with the concentration, disarmament and integration into civilian life of the personnel demobilized in stages as a result of the cease-fire. The Government and RENAMO shall be responsible for contributing units drawn from the existing forces of each side; this process shall proceed until the new units of the FADM have been formed, with all existing units being demobilized when the FADM has reached full strength.

... 6. By the time of the elections, only the FADM shall exist and shall have the structure agreed upon between the Parties; no other forces may remain in existence. All elements of the existing armed forces of the two Parties which are not incorporated into the FADM shall be demobilized during the period envisaged in section VI.i.3 of this Protocol.

Personnel, 2.

The personnel of the FADM in each of the service branches shall be provided by the FAM and the forces of RENAMO, each side contributing 50 per cent.

1. (d)CCFADM shall draw up directives on the phasing of the establishment of the FADM structures and shall propose to CSC: The criteria for selection and the selection of FAM personnel and RENAMO forces for the formation of the FADM.

Protocol V

Page 2, II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers, 7. (a)CSC shall have under it the following Commissions: The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM). Its powers shall be those specified in Protocol IV, paragraph I (iii) on the formation of the Mozambican Defence Force. CCFADM shall be composed of representatives of the Parties and of the Governments selected by the Parties before the signing of the General Peace Agreement to provide assistance in the process of formation of the FADM in conformity with the provisions of Protocol IV, section I.

Protocol IV

I. FORMATION OF THE MOZAMBICAN DEFENCE FORCE,

iii. FADM command structures

1. The parties agree to establish a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) on the following basis:

... (c) CCFADM shall be composed of representatives of the FAM and the RENAMO forces as members, who shall be assisted by representatives of the countries selected by the Parties to advise in the process of forming the FADM. CCFADM shall be inaugurated on the date of the entry into force of the cease-fire (E-Day); 2. FADM High Command

... (b) Until the new Government takes office, the command of FADM shall be exercised by two general officers of equal rank, appointed by each of the Parties. Decisions of the command shall be valid only when signed by these two general officers;

2. FADM High Command,

a) The general mission of CS shall be to act on the directives issued by CCFADM, taking into account the establishment of the FADM structures and support for the FADM.

(b) Until the new Government takes office, the command of FADM shall be exercised by two general officers of equal rank, appointed by each of the Parties. Decisions of the command shall be valid only when signed by these two general officers.

(c) The FADM command structure shall be strictly non-political and shall receive directives and orders only through the appropriate chain of command.

(d) The FADM shall have a single logistics service for all three branches. To that end, a Logistics and Infrastructure Command shall be established, under the authority of the FADM High Command.

(e) Appointments to the FADM High Command and the commands of the three branches of the FADM and the Logistics Command shall be proposed by CCFADM and approved by CSC.

(f) Until the new Government takes office, the FADM High Command shall be assisted by the General Staff, with departments headed by general officers or senior officers proposed by CCFADM and approved by CSC.

3. Command of the Army, Air Force and Navy and the Logistics Command,

(a) Army Command

1. The structure of the Army Command shall encompass the military regions under the direct authority of the Army Commander, whose functions are to be determined but which may include the organization and preparation of forces, training, justice, discipline and logistic support to assigned forces.

2. Each military region shall have a commanding officer holding the rank of general, who shall be assisted by a deputy commander.

3. Command of the Army, Air Force and Navy and the Logistics Command

(a) Army Command,

The headquarters of the military regions shall be proposed by the Commander of the Army and approved by CS.

(b) Air Force Command

The Air Force shall be formed having regard to the training and skills of the personnel of the existing Air Force and the existing RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(c) Navy Command

The Navy shall be formed having regard to the training and skills of the personnel of the existing Navy and the RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(d) Logistics and Infrastructure Command,

1. A Logistics and Infrastructure Command shall be set up under the direct authority of the FADM High Command.

2. The Logistics and Infrastructure Command shall have the overall mission of planning and providing administrative and logistic support for the FADM (Army, Air Force and Navy) and ensuring delivery of such support through the FADM General Services. It shall, in particular, be responsible for production and procurement logistics.

3. The Logistics and Infrastructure Command shall be headed by a general, assisted by a deputy commander and a general staff which shall, initially, include the following sections: Infrastructure; General services; Equipment; Finance.

4. The Logistics and Infrastructure Command shall have authority over such support units as may be assigned to it.

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Key Resources

The following are key resources for military power-sharing. For wider literature, see further references.

Peace Agreements

For full text of peace agreements cited from which data in this report is drawn, and searchable provision on military power-sharing see: PA-X Peace Agreements Database, University of Edinburgh (www.peaceagreements.org). This database is a repository of peace agreements from 1990 to date, current until 1 January 2016. It contains over 1500 agreements from over 140 processes with coding provisions for 225 substantive categories.

For peace agreement texts with search functions see further:

- [Language of Peace, University of Cambridge \(https://www.languageofpeace.org/#/\)](https://www.languageofpeace.org/#/)

This tool provides access to over 1000 agreements from 1945 to 2016 for mediators and drafters to be able to compare and collate language on key issues.

- [Peace Agreements Digital Collection, United States Institute for Peace \(https://www.usip.org/publications/2009/04/peace-agreements-digital-collection\)](https://www.usip.org/publications/2009/04/peace-agreements-digital-collection)

This collection strives to contain the full-text agreements signed by the major contending parties ending inter and intra-state conflicts worldwide since 1989. It was last updated in 2009.

- [Peacemaker, United Nations \(https://peacemaker.un.org/\)](https://peacemaker.un.org/)

Peacemaker maintains a comprehensive database of agreement texts, and it serves as an online mediation support tool.

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